Bay Area Air Quality Management District 939 Ellis Street San Francisco, California 94109 (415) 749-5000

APPROVED MINUTES

Summary of Board of Directors Legislative Committee Meeting 9:30 a.m., Monday, April 21, 2008

1. Call to Order - Roll Call: Chair Brad Wagenknecht called the meeting to order at 9:30 a.m.

Present: Brad Wagenknecht, Chairperson; Erin Garner, Carol Klatt, Janet Lockhart, Mark

Ross, Michael Shimansky, Tim Smith.

Absent: Dan Dunnigan, Scott Haggerty.

- **2. Public Comment Period:** There were none.
- **3. Approval of Minutes of February 25, 2008:** Director Shimansky moved approval of the minutes; seconded by Director Smith carried unanimously without objection.
- **4. Consideration of New Bills and Corresponding Agency Positions:** *Staff presented newly-introduced air quality bills for the Committee's deliberation.*

Thomas Addison, Senior Advanced Projects Advisor, presented the report. Mr. Addison noted that all fiscal bills had a deadline of April 18, 2008, to move out of their first Policy Committees in their House of origin.

Mr. Addison requested the Committee take position on a number of bills including Assembly Joint Resolution 53, introduced by Assembly Member Huffman.

Mr. Addison requested that the Committee take positions on the following bills:

- (a) AB 2094 (DeSaulnier) Adds BCDC to the Joint Policy Committee;
- (b) AB 2241 (Saldana) Fee on vehicles that are late complying with Smog Check;
- (c) AB 2922 (DeSaulnier) Adds non-vehicle violations to ARB's civil penalty authority;
- (d) AB 2991 (Nunez) Adds climate change experts to ARB Research Screening Committee;
- (e) AB 2522 (Arambula) Increases vehicle registration fees for air quality in Central Valley; and
- (f) SB 375 (Steinberg) Changes in transportation and land use planning to reduce vehicle miles traveled

Mr. Addison introduced the first bill authored by Assembly Member DeSaulnier. Assembly Bill 2094 adds BCDC to the Joint Policy Committee. Mr. Addison noted that this is a two-part bill and includes BCDC's review of the issue of sea level rise.

Mr. Addison provided a summary of AB 2241, authored by Assembly Member Saldana. Mr. Addison stated that last year, Assembly Member Saldana introduced a similar bill on which the Air District provided support. AB 2241 closes a loop hole that allows an individual to avoid smog check by paying their registration fees to the Department of Motor Vehicles (DMV), and getting a temporary operating permit. Assembly Member Saldana has requested assistance by the Air District with amending AB 2241. Mr. Addison stated that staff's recommendation to the Committee is to 'adopt a support if amended' position.

Mr. Addison discussed AB 2922 authored by Assembly Member DeSaulnier, which is a bill regarding the Air Resources Board (ARB) penalty authority. AB 2922 clarifies that ARB has civil penalty authority over violations of all their regulations including those applying to products other than motor vehicles. Mr. Addison further stated that ARB has requested the Air District's support and Mr. Addison stated that staff's recommendation to the Committee is to support.

Mr. Addison continued with AB 2991 authored by Assembly Member Nunez. Mr. Addison stated that Mary Nichols has also requested the Air District's support on this bill. AB 2991 would add 2 new members with climate change expertise to ARB's Research Screening Committee.

Mr. Addison continued discussion on AB 2522 authored by Assembly Member Arambula. AB 2522 would allow the San Joaquin Valley Air District (SJVAQMD) to increase annual vehicle license fees for clean air in the central valley. At present, the fee is \$7 annually per vehicle. This bill would allow SJVAQMD to increase this fee to \$30 annually. Mr. Addison stated that there is one paragraph that allows SJVAQMD to conduct a study of how to raise fees on vehicles that are not registered in San Joaquin Valley.

Mr. Addison stated that the author has made the commitment to strike the paragraph in question, given the concerns that were expressed. Staff recommended an oppose unless amended, with the amendment removing the paragraph.

In addition, Mr. Addison discussed SB 375, authored by Senator Steinberg. Mr. Addison noted that there was a lengthy discussion on SB 375 at the last Committee meeting. SB 375 deals with the regional planning process and incentivizes strategies in the regional planning process that reduces greenhouse gas emissions from motor vehicles. SB 375 is supported by the Metropolitan Transportation Commission (MTC). Mr. Addison noted that the California State Association of Counties (CSAC) has gone from an oppose unless amended, to support if amended. Mr. Addison noted that CSAC provided a letter to Senator Steinberg, along with a list of various requests. The largest issue remaining is allocation of housing targets, which is done at the city level, and how it ties into a regional planning process, encouraging infill development.

Director Smith asked how this ties into housing development in the housing elements of local plans. The Committee discussed SB 375 at length.

Director Lockhart expressed that SB 375 makes the leap between transportation and land use, but could be difficult to implement at local level. Director Lockhart stated that the language has changed since last year, but the language still needs further work.

Chair Wagenknecht stated that the City of Napa has supported SB 375 in concept, and is currently in contact with Senator Steinberg for resolution. Chair Wagenknecht also stated that there is improvement since the Committee last met, and would like the Committee to at least support in concept if everyone agrees.

Action: Director Smith moved to recommend that the Board of Directors support SB 375 in concept; seconded by Director Klatt; pass unanimously with objection.

Chair Wagenknecht requested the Committee adopt staff's recommended positions on the following bills:

- AB 2094;
- AB 2241:
- AB 2922;
- AB 2911; and
- AB 2522

Action: Director Smith moved to recommend that the Board of Directors support the above noted bills; seconded by Director Garner; passed unanimously without objection.

Mr. Addison discussed Assembly Joint Resolution No. 53 introduced by Assembly Member Huffman. The resolution urges Congress and the Administration to allow California to adopt greenhouse gas emission limits on motor vehicles. Mr. Addison stated that in 2002 California passed AB 1493 which controls tailpipe emissions of greenhouse gases from motor vehicles, but this has not been implemented, because EPA refused to allow California to proceed. The issue is currently being litigated. AB 1493 would simply urge Congress to allow California to lead on tailpipe controls. Mr. Addison noted that the Air District did support the 2002 bill.

Action: Director Ross moved to recommend that the Board of Directors support AJR 53; seconded by Director Smith; passed unanimously without objection.

5. Update on AB 2744 (Huffman): *The Committee received an update on AB 2744, dealing with a regional gas fee to reduce climate change emissions.*

Mr. Addison noted that the District's 2008 Legislative Agenda was to work jointly with MTC to pass legislation allowing a majority vote of individuals in the region on a fee to cut climate change emissions from motor vehicles. AB 2744, authored by Assemblymember Jared Huffman, is the bill that would accomplish this. While the District and MTC have jointly worked with the author on potential amendments to his bill, it was one vote short of passing out of the Assembly Transportation Committee. Thus, the bill is effectively dead for the year. Mr. Addison stated that staff would continue their work with MTC staff on attempting to possibly include language

to accomplish our mutual goal into another bill, and that the working relationship with MTC on this bill has been very good.

Director Ross asked about the status of AB 32. Mr. Broadbent responded to Director Ross that the Air District is waiting for the scoping plan, which is estimated to be released in June or July. Mr. Broadbent stated that this would provide details on the regulatory initiatives and cap and trade. The Air District participates in CARB's workshops, as well. Mr. Broadbent stated that the Air District will bring this item to the Climate Protection Committee and invite members from CARB staff.

Committee Action: None, this report was provided for information.

- **6. Committee Members' Comments:** There were none.
- 7. Time and Place of Next Meeting: 9:30 a.m., Monday, June 23, 2008, 939 Ellis Street, San Francisco, CA.
- **8. Adjournment:** The meeting was adjourned at 10:20 a.m.

/S/ Vanessa Johnson Acting Clerk of the Board